

(3)  
No. 90-628

Supreme Court, U.S.  
FILED

NOV 27 1990

JOSEPH F. SPANIOL, JR.  
CLERK

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IN THE  
SUPREME COURT OF THE UNITED STATES

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October Term, 1990

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MARIE M. MCMAHON

Petitioner,

v.

CHARLES G. ASCHMANN, JR.,

Respondent.

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Petitioner's Reply Brief to  
Respondent's Reply Against  
Writ of Certiorari

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For Respondent:

Daniel T. Booth/Clarence E. Martin, III  
Martin & Seibert  
P. O. Box 1286  
119 South College Street  
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(304) 267-8985

For Petitioner:

Marie M. McMahon, pro se  
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PETITIONER'S REPLY BRIEF

Comes now the Petitioner pursuant to Rules 15 (6), 18.8; 29 and 33, and offers the following as rebuttal in reply to Respondent's Reply Brief offered to be filed herein.

On Page vi, Respondent claims in his second sentence that the issue of directed verdict/trial by jury was raised for the first time when Respondent registered his judgment is a sister state.

THIS IS NOT TRUE! Respondent and all his lawyers know this is a misrepresentation, to say the least. Jury trial was demanded in original action; argued for in the closing arguments (is a matter of record in 10607 (Case No. Alexandria, Virginia Circuit Court) even though the court had dismissed the jury (unknown at that time by this Petitioner). It was obvious that it was never the intention of the Court/Respondent to allow jury trial; the Court usurped the jury function in order for Respondent to win his judgment; evidence overwhelmingly on side of this Petitioner and her Principals, thus said judgment

was arbitrary and capricious with malice.

It is true Petitioner did not perfect an appeal. Under a 1983 action, exhaustion of state remedies is not necessary before filing the 1983 action. (See Petition herein for case cites; pages 26, 27 and 28. ).

Respondent states there is no federal constitutional right to trial by jury in state civil proceedings. Apparently Respondent does not mean it when he takes his oath of office to support the Constitution of the United States; nor does he nor any of the lawyers/judges herein support the Supremacy Clause wherein it is stated that ... "Every judge shall be bound thereby" anything in the state constitutions and laws to the contrary notwithstanding. Further, none of same apparently believe what Mr. Chief Justice Rhenquist and Mr. Justice Stevens state in their opinions cited by Petitioner herein and quoted in her Petition, herein.

Also, please note Respondent/Attorneys apparently can not read and understand Rules and only certain laws. Please note certifi-

cate of service in Respondent's Reply Brief. Petitioner received only ONE copy of Respondent's Brief, plus Case No. 90-628 was also omitted on copy received by her. This is further evidence that Respondent nor his attorneys play the game according to Rules and/or LAWS APPLICABLE TO ALL.

REPLY TO ARGUMENT

Since the above facts as pled are true and the laws applicable have already been cited in Petitioner's Petition for Writ of Certiorari, Petitioner will not insult this Honorable Court with repeated argument of laws applicable but will plead for THIS COURT TO PLEASE TAKE JUDICIAL NOTICE OF ALL LAWS APPLICABLE TO THE TRUE FACTS WHICH ARE PLED BY PETITIONER AND GRANT RELIEF TO PETITIONER, PER SAID LAWS.

Respectfully submitted,

*Marie M. McMahon*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT in pursuance with 28 U.S.C., section 1746, I have mailed by United States Mail, First Class Postage Prepaid, three (3) copies of Petitioner's <sup>Reply m m</sup> ~~Supplemental~~ Brief in Case No. 90-628, McMahon v. Aschmann, this 27<sup>th</sup> day of November, 1990, to Counsel for Respondent as follows:

Daniel T. Booth and Clarence E. Martin, 111  
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Taken, sworn to and subscribed before me  
this 26<sup>th</sup> day of November, 1990.

Ralph N. Shambaugh  
Notary

My commission expires: Jan 7, 1997

